

UNITED STATES DISTRICT COURT

for the
Middle District of North Carolina

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Reginald Codi Thomas Sutton
Date Of Birth: February 19, 1994

Case No. 1:22MJ176-1

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person of Reginald Codi Thomas Sutton date of birth February 19, 1994, more particularly described in Attachment A.
located in the Middle District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

DNA in the form of saliva swabs will be used to compare Reginald Codi Thomas Sutton's DNA to any DNA recovered from the firearm and ammunition seized on March 25, 2022, which is more particularly described in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm

The application is based on these facts:

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Eli W. VanKuren

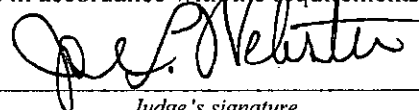
Applicant's signature

Eli W. VanKuren, Task Force Officer, ATF

Printed name and title

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this Application for a search warrant in accordance with the requirements of Fed. R. Crim. P. 4.1.

Date: 04/18/2022 11:53 a.m.



Judge's signature

City and state: Durham, North Carolina

Joe L. Webster, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

Your Affiant, Eli W. VanKuren, being duly sworn according to law, deposes and states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your Affiant is a police officer for the Winston-Salem Police Department (WSPD) and has been so employed since August 2015. Your Affiant is a graduate of the North Carolina Basic Law Enforcement Training taught by the Winston-Salem Police Department. Your Affiant is also duly sworn as a Task Force Officer for Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Your Affiant holds a bachelor's degree in psychology from Harding University. During your Affiants career in Law Enforcement, your Affiant has participated in multiple advanced training to include the Police Law Institute, Basic Gang Investigations, Violent Criminal Apprehension Techniques, and Basic Cell Phone Investigations among others.

2. As a Federal Task Force Officer, your Affiant is authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

3. Your Affiant has conducted and assisted with numerous investigations involving the commission of violent crimes, such as shootings, aggravated assaults, robberies, etc. Through instruction, training, experience,

participation in investigations, and the exchange of information with other law enforcement agents and officers, your Affiant has become familiar with the manner in which people commit violent acts and the methods, language, and terms that are used to further their criminal activities.

4. Through experience gained during multiple investigations, your Affiant is aware that forensic evidence, such as fingerprints and DNA, can be obtained during the forensic processing of physical evidence, including firearms and ammunition. From your Affiant's experience, your Affiant has learned that this forensic evidence can be used to identify and eliminate suspects.

5. This affidavit is made in support of a request for a search warrant to collect a DNA sample from REGINALD CODI THOMAS SUTTON (hereafter SUTTON), for a violation of 18 U.S.C. § 922(g)(1), Possession of a Firearm by a Convicted Felon, that occurred in Forsyth County, North Carolina on March 25, 2022.

6. SUTTON is an adult male, who is further identified in Attachment A, with a date of birth of February 19, 1994.

7. This affidavit is based on my personal observations and knowledge, as well as the information provided to your Affiant by other law enforcement officers. This affidavit is submitted solely to establish probable

cause to obtain a DNA search warrant and, as such, does not contain all of the facts known to your Affiant regarding this investigation.

BACKGROUND OF INVESTIGATIONS

8. On March 25, 2022, officers with the Winston-Salem Police Department responded to Kermit's Hot Dog located at 2220 Thomasville Road in reference to a double shooting. When officers arrived, Mr. Patrick Carter and Mr. Ross Flynt, who was an on-duty Fire Fighter, were found suffering from apparent gunshot wounds. Both victims were ultimately transported to a local hospital for treatment of their injuries.

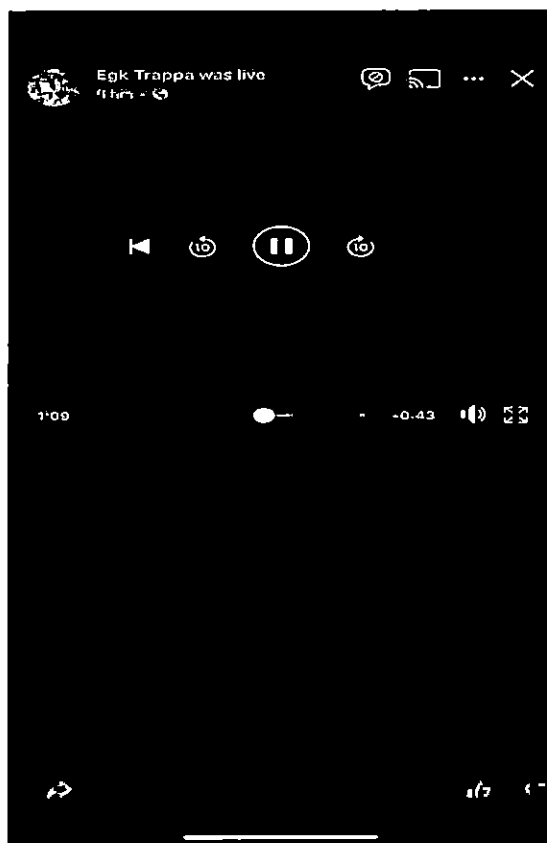
9. As the investigation started, witnesses advised the suspect vehicle was a blue four door vehicle. Having a body style and color, officers began canvassing the area for possible video surveillance. Video footage was obtained from the Food Lion located at 1000 Waughtown Street. It should be noted the location of the shooting and the Food Lion are within eyesight of each other. In the Food Lion video, the suspect vehicle was determined to be a Blue Hyundai Accent bearing North Carolina Registration JBW-1835. This vehicle was reported stolen to the NC A&T Police Department.

10. After providing officers with the updated suspect vehicle description, members of the Forsyth County Drug Task Force advised possibly seeing the suspect vehicle near a residence on Marble Street prior to the

shooting. For an unrelated investigation a camera was monitoring the 2500 block of Marble Street. Upon review of the footage from Marble Street the Blue Hyundai is seen arriving, several people enter the vehicle, it then departs. The vehicle then returns to the residence of 2542 Marble Street minutes after the shooting. Through the video, investigators were able to identify suspects based on their clothing.

11. 2542 Marble Street is a residence known to your affiant as a frequent location members of a Nine-Trey Blood subset known as “Every Gram Kountz” or EGK to congregate.

12. From previous investigations, your affiant knew SUTTON is a member of the EGK group and knew his Facebook account to be named “EGK Trappa” and began monitoring his posts. In a video posted by SUTTON less than two hours after the shooting, SUTTON is seen sitting inside a vehicle and displays an apparent firearm, which was distinctive. This firearm could be described as having a MAC-10 style appearance, with an extended magazine and had an after-market optic attached to it (picture below).



13. Due to investigators seeing the stolen Blue Hyundai at 2542 Marble Street prior to the shooting and then return minutes after the shooting, believing possible evidence was located at the residence, a search warrant was drafted. During the drafting of the search warrant, two individuals are seen leaving the residence; one of the individuals matched the clothing of a suspect. Due to this individual leaving the residence and walking to an unknown location police officers attempted to make contact with the two individuals.

14. At the sight of law enforcement, the two individuals ran in head long flight. Utilizing a police K9, Mr. Elijah Staton was located and subsequently taken into custody. Utilizing the Police K9, officers attempted to

locate the other outstanding subject however did not locate the other subject. Along the path taken by the subjects officers located a Glock 9mm handgun, a Masterpiece Arms 9mm firearm, a cell phone, and a set of car keys.

15. The keys located were later determined to be the keys for the stolen Blue Hyundai used in the shooting at 2220 Thomasville Road. Of the guns recovered one was a Glock 9mm handgun and a Masterpiece Arms 9mm handgun (S/N: B7481). The Masterpiece Arms 9mm is a distinctive handgun which had an extended magazine, an after-market optic, and has the appearance of a MAC-10 style firearm. (Picture Below).



16. Personnel with the Winston-Salem Police Department Forensic Services Division took custody of the Masterpiece Arms 9mm handgun and

processed the firearm for potential DNA evidence and latent fingerprint evidence. During their processing of the Masterpiece Arms handgun (serial number B7481), two swabs (1 with and 1 without distilled water) were collected from the slide, grips, trigger and magazine of the Masterpiece Arms handgun (serial number B7481) and the nineteen (6) unfired rounds of 9mm caliber ammunition that were loaded in the firearm and its magazine

17. On July 29, 2016, SUTTON was convicted in Wake County Superior Court of a felony punishable by a sentence of imprisonment greater than one year, that is, Attempted Robbery with a Dangerous Weapon, by receiving a 44–65 month active sentence.

18. On January 31, 2022, TFO La Valley contacted the North Carolina Governors Clemency Office in reference to SUTTON's pardon status. It was confirmed SUTTON has not received nor applied for a pardon. Therefore, SUTTON's right to possess a firearm or ammunition has not been restored.

19. Deoxyribonucleic Acid, more commonly referred to as DNA, is the chemical blueprint for life. Most human cells, other than reproductive cells, contain identical copies of a person's DNA. Although 99.9% of human DNA does not vary from person to person, no two persons, other than identical twins, have the same DNA. Human DNA is organized into twenty-three pairs of chromosomes and each chromosome contains a DNA molecule. DNA molecules have a double stranded helical structure that can be envisioned as a spiral

staircase. These DNA molecules in the twenty-three pairs of human chromosomes contain approximately 3.3 billion base pairs. Most base pairs are arranged in the same sequence in all humans. However, every DNA molecule has regions where variability is found in the human population. Comparison in these regions between a known sample and a suspect sample wherein a positive match between samples can be made with scientific certainty. DNA is contained in sweat, saliva, blood, skin, hair follicles and other human cell containing elements. DNA, in these and other forms, can be transferred and deposited to objects, to include but not limited to firearms and ammunition.

20. On April 14, 2022, your Affiant made contact with A. F. Overman, Forensic Scientist Supervisor/CODIS State Administrator with the North Carolina State Crime Lab. Overman stated that if swabs from the firearm in question were properly seized and packaged to preserve DNA, then it is possible for a comparison in these regions between a known sample and a suspect sample wherein a positive match between samples can be made with scientific certainty. Overman stated that, based on her training and experience, swabs from firearms, magazines, and bullets often yield DNA profiles that are suitable for comparison to a known sample.

21. In light of the above facts, your Affiant knows that DNA is commonly located and recovered from evidence such as clothing, shoes, firearms and ammunition. DNA evidence can potentially identify a

perpetrator(s) involved in criminal activity, as well as exclude uninvolved person(s). Your Affiant is now seeking to obtain known DNA (saliva swabs) from REGINALD CODI THOMAS SUTTON. The DNA collected from SUTTON can be compared with the swabs recovered from the Masterpiece Arms 9mm handgun (S/N: B7481) and the six (6) rounds of 9mm ammunition seized during this investigation.

22. WHEREFORE, in conclusion of the facts presented, your Affiant respectfully requests that this Court issue a search warrant for the person of REGINALD CODI THOMAS SUTTON as further described in Attachment A, authorizing the search and seizure of a DNA sample, as further described in Attachment B.

Respectfully submitted,
/S/ Eli W. VanKuren
Eli W. VanKuren
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and
Explosives

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 18th day of April, 2022, at 11:53am.



JOE L. WEBSTER
UNITED STATES MAGISTRATE JUDGE

Attachment A

Description of Person to be Searched

REGINALD CODI THOMAS SUTTON, a black male, Date of Birth:
02/19/1994, North Carolina ID: 30792223, FBI ID: 834716LD8

ATTACHMENT B

Particular Things to be Seized

Evidence of the offenses under investigation, in the form of:

Buccal DNA swab saliva specimen collected from REGINALD
CODI THOMAS SUTTON.